

ARGUMENT FOR PATENTABILITY

Examiner Marks has rejected all the claims in the case -- that is, Claims 1 through 22, under 35 U.S.C. § 103 over the patents to Karmarkar (U.S. Patent Publication No. 2003/0109306A1) in view of Hooks, et al. (U.S. Patent No. 6,294,982). It is Examiner Marks' position that "Karmarkar discloses a method of providing a realistic audiovisual representation at a remote location of a game occurring at a base location (Abstract)." The abstract of Karmarkar can be summarized as follows:

"...The multimedia video source is at a casino and provides video signals depicting a number of various legally-authorized live casino games... The remote player station includes an appropriately secured display for displaying to a remote player the multimedia video signal depicting the legally-authorized live casino game or a pre-recorded legally randomized casino game... Simplified wagering rules also enable the remote player to bet either for or against the actual player using either a live casino multimedia video signal or a restricted randomized casino multimedia game video from a pre-recorded storage medium... A remote player can concurrently play several dissimilar casino games with these simplified wagering rules at the same gaming station. ..."

It is in undisputable that Karmarkar does not teach or suggest the method set forth in Claim 1. The claim defines a method of a realistic audiovisual representation at a remote location of a game occurring at a base location including the steps of: (a) preparing a library of pre-recorded video clips; (b) storing the library on a computer at the remote location; (c) transmitting information as to the progress of said game from said base location to said remote location; (d) using information as to the progress of said game to select appropriate video clips from said library; and (e) presenting selected video clips at said remote location to provide said realistic audiovisual representation of said game as it occurs.

Karmarkar does not suggest this procedure. Instead, Karmarkar as clearly stated in the abstract referred to by Examiner Marks, transmits video signals depicting a live casino game or, as an alternative, a pre-recorded casino game. A player in Karmarkar in the live casino game in

response to the live casino multimedia video signal or optionally can play in a game from a pre-recorded storage medium -- that is, can play a rebroadcast of a previous game. In no event does Karmarkar teach nor suggest replicating a game occurring at a base location at a remote location by the use of a library of pre-recorded video clips stored at the remote location.

Specifically, as outlined in the abstract which Examiner Marks refers, Karmarkar transmits a casino game and simultaneously makes available to a player other pre-recorded games. The pre-recorded games are not used in any manner whatsoever for the purpose of replicating an ongoing game. Pre-recorded games are used only as a substitute for a live game.

In Karmarkar, video of live or recorded *complete gaming "episodes"* is transmitted to remote players. There is no teaching in Karmarkar of emulating or reconstructing a gaming event by juxtaposing a sequence of individual video clips from a stored library of clips comprising the finite set of possible occurrences *during the progress of a single game* (for example, the draw of each of the 75 possible balls in a bingo game).

There is absolutely no basis whatsoever for rejecting the claims of the patent based on Karmarkar.

Examiner Marks states "Karmarkar discloses a library of pre-recorded video clip depicting events typically encountered in gaming (Abstract)." Strenuous objection is taken to this statement. Where in Karmarkar's abstract is there reference to "pre-recorded video clips depicting events typically encountered in gaming"?

Karmarkar states in the Abstract:

"The remote player station includes an appropriately secured display for displaying to a remote player the multimedia video signal depicting the legally-authorized live casino game or a pre-recorded legally randomized casino game."

Thus, in Karmarkar, the remote player station has the option of displaying the live casino game or a pre-recorded casino game. There is no suggestion that the pre-recorded casino game is utilized in any way whatsoever for the purpose of replicating an ongoing casino game.

Karmarkar teaches transmitting an ongoing casino game or pre-recorded casino games but does not teach, suggest or even hint at any system of replicating an ongoing casino game by the use of a library of pre-recorded clips. Examiner Marks states, "This library is stored on a disk (FIG.-2)." This statement is not understood. The reference to FIG. 2 Karmarkar does not disclose with reference to FIG 2, a library of pre-recorded video clips.

Further, Examiner Marks states, "The information is then used in replicating the game." Strenuous objection is also taken to this unsupported and unfounded statement. Karmarkar is not concerned with replicating a game, but teaches only transmitting an ongoing game and simultaneously making available a transmitted pre-recorded game. This is the option available to the user of Karmarkar's gaming system. Under no circumstances does Karmarkar teach using a library of pre-recorded video clips to replicate an ongoing game. This concept is completely alien to Karmarkar since his invention is concerned with a completely different subject, that is, making available at a remote location to a casino user a plurality of games, one of which may be an ongoing game which the remotely located user may choose from among other, pre-recorded, games. Applicant's invention is not concerned with making available a plurality of games but instead is concerned with a method of replicating an ongoing game at a remote location.

On Page 4 of the Office Action, first full paragraph, Examiner Marks states, "...Further, the remote computer is in charge of randomly choosing the outcome (paragraph 9)." Paragraph 9 is a good summary of the basic distinction in Karmarkar and Applicant's invention. As an example, taken from Paragraph 9 of Karmarkar is the statement: "...If a random pre-recorded gaming episode is selected by the remote player, then its playback can be slowed down to reduce

player stress.” This statement emphasizes the complete distinction between Karmarkar and Applicant’s invention. Applicant’s invention simultaneously transmits an ongoing game to a remote location in a way to reduce the band width of the required transmitting facility by using a library of pre-recorded clips. The game as transmitted to the remote location is in real time. How can, at the remote location, its “playback be slowed down to reduce player stress?” This simple statement emphasizes the dramatic distinction between Applicant’s invention and Karmarkar.

In the present application, a game must involve a finite set of total possibilities. The presentation at the remote site is never video of an actual (real time or recorded) game. It is an emulation of a real or staged game, achieved by means of a seamless juxtaposition of stored video clips, each of which corresponds to a single occurrence (e.g., draw of a bingo ball) during the progress of a game.

Examiner states on Page 4, last paragraph of the Office Action:

“Hooks, et al., support the above assertion by stating the in visual messaging devices for use in a high speed network, it is advantageous to receive data from the network and then locally arrange the message for use (Abstract).”

Hooks, et al. is not relevant to Applicant’s invention and there is no suggestion whatsoever within Karmarkar or Hooks, et al. as how the teachings of Hooks, et al. could be applied to modify Karmarkar. Hooks, et al. is concerned with a visual messaging device comprising a visual display having a plurality of individual light-emitting diodes to display the message. Hooks, et al. is concerned only with controlling the plurality of light-emitting diodes in a display unit to display digital messages limited to numbers or letters. Hooks, et al. is not concerned with transmission of an ongoing event like a bingo game in a manner that would replicate the game. Hooks, et al. is concerned with rapid transmission in which a display driver

activates and deactivates visual elements such as individual LEDs according to processor instructions. There is no suggestion of how pre-recorded video clips could be used in Hooks, et al. since Hooks, et al. does not transmit or deal with video signals.

Hooks, et al. relates only to a visual messaging system. Messages are sequenced for display according to program instructions. Messages displayed are those received by the receiver. Hooks, et al. does not make use of pre-recorded messages but displays messages communicated in real time over a common data bus.

Hooks, et al. describes a system for extracting alphanumeric messages from a high-speed data stream and displaying them on an LED array (or other display means). It is unclear how this has any relevance whatsoever to either the teachings of this application or in support of Karmarkar in relation to the application.

Karmarkar does not employ a library of pre-recorded video clips. Karmarkar uses pre-recorded video of casino games. The pre-recorded video is used as a substitute for live video--not for recreating the live video. Karmarkar is not concerned with recreating at a remote location a realistic simulation of a game occurring at a base location.

Karmarkar is a communication distribution hub that enables multiple games to be fed in and routed to multiple remote player stations. Karmarkar emphasizes that the video presentation can be slowed down to enable ease of viewing of the game action for a novice player. Thus, Karmarkar does not teach the replication of a game at a remote location but only the presentation of an alternate pre-recorded game.

There is no suggestion within the prior art of the combination of Hooks, et al. and Karmarkar. MPEP Paragraph 2143.01 provides, "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the

desirability of the modification.” *In re Mills*, 916 F.2d 680, 16 U.S.P.Q. 2d 1430. Where in Karmarkar and Hoods, et al., is a suggestion of the desirability of a possible combination?

Claim 2 provides a method according to Claim 1 wherein each video clip is associated with an individual identification code and wherein the information is transmitted and received by transmitting the individual identification codes. There is absolutely no teaching whatsoever either in Karmarkar or Hooks, et al. of this concept. No reason is stated by Examiner Marks for the rejection of Claim 2.

Claim 4 provides a method wherein the computer at the remote location includes algorithms for providing computer-generated visual and/or sound images relevant to said game. Examiner Marks states, “...a skilled artisan understands that an algorithm would be required to construct the data into the proper visual format,” thus acknowledging that the prior art does not teach this concept. There is no justification for rejection of Claim 4 in the prior art.

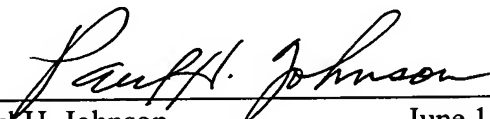
Claim 14 is an independent claim covering a system for providing realistic audiovisual presentation of a game at at least one remote location including a host computer at a base location; a computer system at a remote location; a communication channel interconnecting the host and remote computer; a library of pre-recorded video clips depicting events typically encountered in conducting a game stored in the computer system at each remote location and an input apparatus connected to the host computer for inputting information as to progress of a game by which individual identification codes are generated, the individual identification codes being transmitted to the computer system at the remote location and used to actuate appropriate video clips from the library. Examiner Marks says, “Regarding Claim 14, in applying the teachings of Hooks et al. a skilled artisan would understand that the progress of the game must be input in order to be transmitted to the player in the manner disclosed above.” This rejection is simply not understood. The Examiner has not pointed out where the elements of the system of

Claim 14 are found in the prior art. Where in the prior art is there a teaching of “a library of pre-recorded video clip depicting events typically encountered in conducting a game?” This element simply is not found in Hooks, et al. or Karmarkar. Further, neither Hooks, et al. nor Karmarkar include “input apparatus connected to the host computer for imputing information as to progress of the game by which individual identification codes are generated, the individual identification codes being transmitted to said computer system at each remote location and used to actuate appropriate video clips from said library.” The prior art is totally silent as to this element. There is no basis whatsoever for rejecting Claim 14.

Claims 15 through 22 depend from and further limit the scope of Claim 14. Since Claim 14 is unequivocally allowable over Karmarkar in view of Hooks, et al. it is beyond argument that the dependent Claims 15 through 22 are therefore clearly allowable.

It is understood there is no fee due at this time. However, should a fee deficiency have occurred, please charge Deposit Account No. 50-1971 per 37 C.F.R. § 1.25.

Respectfully submitted,



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